

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tatsumi et al.

Art Unit: 2889

Application No: 10/554,188

Examiner: E. Breval

Confirmation No: 2644

Filed: October 21, 2005

Atty. Docket No: 40616-286346

For: DIAMOND ELECTRON EMITTER AND
ELECTRON BEAM SOURCE USING
SAME

Customer No:

26694

PATENT & TRADEMARK OFFICE

FOURTH INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Fourth Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of any of a Final Office Action, a Notice of Allowance (37 CFR 1.97(c)) or an action that otherwise closes prosecution in the application.

I hereby certify, pursuant to 37 CFR 1.97(e)(1), that each item of information contained in this Fourth Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Fourth Information Disclosure Statement.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents (documents **BR** – **BT**) and non-patent literature in accordance with 37 CFR 1.98(a)(2).

Documents **BR** – **BT** are cited in a Notification of Reasons for Rejection in a counterpart Japanese patent Application. A copy of the Notification of Reasons for Rejection and an English-translation is attached hereto.

A concise explanation of relevance of the items **BR** – **BT** listed on form PTO/SB/08 is in the form of an English language copy of the Notification from a foreign patent office, issued in counterpart application, which refers to the relevant portions of the references.

English-Language abstracts are provided for documents **BR** – **BT**.

Documents JP 04-245135-A, JP 10-294077-A, JP 2001-068011-A, JP 2000-243217-A, JP 11-195371-A, and JP 2000-223006-A are also listed in the Notification of Reasons for Rejection but were previously cited in the Information Disclosure Statement filed on October 21, 2005.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 40616-286346.

Dated: December 17, 2010

Respectfully submitted,

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